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MAJORITY LEADER

February 20, 2007

Good Morning Senator Prague, Representative Ryan and Members of the Labor and Public Employees Committee. I am here to testify in support of SB 602, An Act Concerning Employer Sponsored Meetings. This bill would prevent employers who receive over $100 million in state funds from firing or otherwise disciplining employees who would prefer not to be compelled to listen to employer speeches about religion or political matters, including labor organizing. The First Amendment to the Constitution guarantees the rights to freedom of speech and assembly. These freedoms include the right not to assemble or listen to coercive speeches.

This legislation would protect an employee from economic sanction if the employee chooses not to listen to an employer's political or religious views. Political views are defined to include views about the decision to join a political, social or community group or activity, including the exercise of the rights to join or not to join a labor union. For example, the legislation would protect an employee who declines to participate in a meeting called by an employer to express anti-union views. Physical restraint is actionable under current state law, yet a threat to fire an employee if he or she does not attend a coercive meeting is not actionable. There is no good reason for this distinction: coercion is coercion, whether it is physical or economic. And it is wrong.

It should be the policy of our state as expressed in legislation to prevent employer coercion as to political matters, and we need to include speech about joining a union as well, because unionization is a political topic. It concerns a distinct approach to governing the economy. It is based on the view that there is a conflict of interest between employers and workers in this society, and that workers are better protected by acting collectively than individually. Those are political views. Therefore we should not discriminate against labor by leaving the statute silent on this point. We need to stand up against the coercion of employees into listening to speeches about matters other than how to do their jobs, such as whether the employee should join a particular church, union or political party. Our best constitutional tradition underscores this principle.

I also believe that there should be an exemption for certain types of entities. An organization devoted to religion should be able to require its employees to adhere to the same faith that the organization espouses and to observe its tenets and practices; an organization formed for the sole or dominant purpose of political action should be able to require its employees to adhere to and work in support of the organization's political tenets and program; and an educational institution should be able to require student instructors to attend lectures on political or religious matters which are part of regular coursework for which all students are responsible. These exemptions would appear reasonable.

I am aware that some employers and the CBIA have claimed in the past that similar legislation would be preempted by the National Labor Relations Act (NLRA). I have always believed that these assertions were mistaken. I would argue that even the broader proposed legislation was not inconsistent with the National Labor Relations Act. Certainly this legislation which would affect only entities receiving more than $100 million in state funds is not inconsistent with the NLRA. States may place conditions on entities that receive state money in order to support or encourage compliance with state public policy. Section 8(c) of the NLRA provides that it is not an unfair labor practice for an employer to express a view about unionization, which could include giving a speech in opposition to unionization. 8(c) does not, however, grant employers the right to

require that employees be gathered against their will to listen to such views. Nothing in the proposed legislation limits what employers can say or where an employer can say it. Rather, the legislation would make it unlawful for an employer to force an employee, through the threat of physical or economic restraint, to listen to employer views on the subject of unionization or other political issues. A state is not preempted from providing protection to employees who choose not to be compelled to attend meetings where they may be subjected to an employer's propaganda on political topics. Protection from such abuse is certainly essential where there is a substantive financial relationship between the state and the employer. Clearly, where the employee believes that the communication concerns an issue such as health, safety, or economic interests there would be nothing in the bill to impede meetings or any other form of communication. Neither Congress nor the courts have ever determined that captive audience speeches are to be encouraged.

The Connecticut General Assembly and the courts have a long tradition of support for the use of the police power to protect employees from coercion in the workplace and to protect privacy interests. This bill stands in that proud tradition. A worker does not relinquish all of his or her First Amendment Rights merely because he or she is in the workplace. Certainly the state can and should offer these protections to employees of state supported entities.